

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

POWERHOUSE MARKS LLC,

Plaintiff,

v.

Case No. 04-73923
Honorable Patrick J. Duggan

CHI HSIN IMPEX, INC., COSTCO
WHOLESALE CORP., DICK'S SPORTING
GOODS, INC., DUNHAM'S ATHLEISURE CORP.,
MEIJER, INC., and WAL-MART STORES, INC.,

Defendants.

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION FOR
RECONSIDERATION**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on January 10, 2006.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On January 4, 2006, this Court issued an opinion with respect to various motions for summary judgment, including motions for summary judgment with respect to laches and estoppel filed by defendants Chi Hsin Impex, Inc., Costco Wholesale Corporation, Dick's Sporting Goods, Inc. ("Dick's"), Dunham's Athleisure Corporation ("Dunham's"), Meijer, Inc., and Wal-Mart Stores, Inc. In that opinion, the Court concluded *inter alia* that Dick's and Dunham's are entitled to summary judgment based on laches. *See* 1/1/04 Op. at 34-35. While the Court recognized in its opinion that Sixth Circuit precedent provides that laches only bars damages that occurred before the filing date of the lawsuit

and does not foreclose a plaintiff's right to an injunction and post-filing damages, *see id.* at 29-30, in the order it issued on January 4, the Court dismissed with prejudice Plaintiff's claims against Dick's and Dunham's. Plaintiff immediately filed a motion for reconsideration pointing out the Court's error.

As the Court agrees that it erred in dismissing Plaintiff's claims against Dick's and Dunham's, plaintiff's motion for reconsideration is **GRANTED**. On this date, the Court will issue an order amending its previous order to correct its defect.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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